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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,151	01/23/2002	Ali Abdolsalehi	270/216	2496

7590 05/22/2007  
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EXAMINER

SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
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2153

MAIL DATE	DELIVERY MODE
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05/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/057,151

Applicant(s)

ABDOLSALEHI, ALI

Examiner

Philip S. Scuderi

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 1 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

#### I. 35 U.S.C. § 112

Applicant's after-final remarks filed 23 April 2007 in regards to the §112 rejections have been full considered and are persuasive. The §112 rejections have been withdrawn.

#### II. 35 U.S.C. §§ 102-103

Applicant's after-final remarks filed 23 April 2007 have been full considered and are persuasive enough to overcome the rejections of claims 2 and 6 set forth in the final rejection. Accordingly, the finality of the last office action is withdrawn and this action is non-final. However, the arguments are not persuasive in regards to every claim.

1. Applicant argues that claims 1, 3-5, and 7 are patentable over Davies (U.S. Patent No. 7,043,749) because Davies allegedly does not teach transmission of one-way video and two-way audio over the Internet using a VoIP protocol (see remarks at the bottom of page 2).

The examiner respectfully disagrees.

Applicant is reminded that, during patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification (see MPEP § 2111).

Claim 1 contains the limitations that appear to be in contention here. Thus, the examiner will focus on why Davies meets the limitations set forth in claim 1.

Art Unit: 2153

1-a. Claim 1, step b recites “transmitting the video signal ... through a one-way transmission channel for carrying a signal with only video content to at least one recipient via an internet connection” (emphasis added).

In Davies, video-only signals are transmitted through channel 209, which can be a LAN (see fig 2). It appears that applicant believes the LAN connection cannot reasonably be construed as an “internet connection” as recited in claim 1, step b.

The examiner respectfully disagrees. In figure 1, Davies shows that the LAN is connected to the Internet 111. Thus, the LAN is part of the Internet and it is reasonable to construe the LAN to connection to be an “internet connection” as claimed.

1-b. Claim 1, step c recites “transmitting ... a source digital audio signal ... over an Internet connection via a VoIP protocol” (emphasis added).

In Davies, audio signals are transmitted over channel 213 or 210 (see fig. 2). It appears that applicant believes that LAN 213 cannot reasonably be construed as an “internet connection” as recited in claim 1, step c.

The examiner respectfully disagrees for the same reasons discussed in bullet #1 above. That is, in figure 1, Davies shows that the LAN is connected to the Internet 111. Thus, the LAN is part of the Internet and it is reasonable to construe the LAN to connection to be an “internet connection” as claimed.

1-c. Claim 1, step c recites “transmitting ... a source digital audio signal ... over an Internet connection via a VoIP protocol” (emphasis added).

Art Unit: 2153

To reiterate, in Davies, audio signals are transmitted over channel 213 or 210 (see fig. 2). It appears that applicant does not believe that the audio signals are transmitted using a VoIP protocol.

The examiner respectfully disagrees. It is true that Davies does not actually recite the term VoIP, but further review of the reference reveals that Davies does use VoIP. Davies states that audio device 202 can be a “H.323 compliant telephone 202 connected to a LAN 213” (see col. 10, ll. 57-58). H.323 is a VoIP protocol. For example, the Wikipedia entry for “Voice over IP” states that “[i]nitially H.323 was the most popular [VoIP] protocol.” It is therefore clear that the audio signal over LAN 213 is a VoIP protocol.

2. Applicant notes certain differences between Davies’ claims and the claims in the instant application (see remarks at pages 3-4). There are only limited circumstances when the claims of a prior art patent are relevant to patent examination (e.g., Interference proceedings). To the best of the examiner’s knowledge, this is not one of those circumstances.

3. Applicant argues that claims 2 and 6 are patentable over Davies (U.S. Patent No. 7,043,749) and Lee (U.S. Patent No. 6,789,120). Applicant essentially argues that it would be impermissible hindsight to combine these references to meet the invention set forth in these claims.

The examiner agrees and has withdrawn this rejection.

### **III. New Grounds of Rejection**

Even though the rejections of claims 2 and 6 have been withdrawn these claims have been rejected in view of newly discovered prior art. In particular, the newly discovered reference to Bae (U.S. Patent No. 6,801,619) is considered the closest prior art to applicant’s disclosed invention.

### *Claim Objections*

Claim 1 is objected to because of a minor informality. The phrase “two-audio communication” in the preamble should presumably be “two-way audio communication.”

Appropriate correction is required.

Claim 7 is objected to because of a minor informality. The phrase “the at least recipient” in step c should presumably be “the at least one recipient.” Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 and 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Davies (U.S. Patent No. 7,043,749).**

As to claim 1, Davies teaches a method of providing one-way video transmission and corresponding interactive two-audio communication to remote recipients accessing the Internet via a world wide computer network, the method comprising the steps of:

a) creating at a video source location (205 at terminal 108) a source digital video signal corresponding to a viewed scene (multiplex signal conforming to H.22x on channel 209) [see Davies at fig 2; col. 10, ll. 62-65];

Art Unit: 2153

- b) broadcast transmitting the source digital video signal (transmitting the multiplex signal conforming to H.22x on channel 209) at substantially the same time the source digital video signal is created, wherein the source digital video signal (the multiplex signal conforming to H.22x on channel 209) is transmitted through a one-way transmission channel (a channel that can transmit in one or more directions) for carrying a signal with only video content to at least one recipient (terminal 208) via an internet connection (LAN that is connected to the Internet) [see Davies at fig. 1 (LAN connected to the Internet), fig. 2 (separate audio and video channels)];
- c) transmitting a source digital audio signal (H.320, H.324, or H.310 audio on channel 210) created at a audio source location (104 at terminal 108) and corresponding to the source digital video signal to the at least one recipient (terminal 208) over an Internet connection via a VoIP protocol, wherein the source digital audio signal is a two-way signal that is transmitted on a channel separate from the one-way transmission channel [see Davies at fig. 2]; and
- d) transmitting a recipient audio signal created at a recipient location and responsive to the source audio signal or the source video signal, wherein the recipient audio signal is transmitted from the recipient location to the digital audio source location via an Internet connection [see Davies at fig. 2].

As to claim 3, Davies teaches the method of claim 1, further comprising the source digital video signal being activated when the at least one recipient accesses an IP address corresponding to the source digital video signal [see Davies at fig. 2 (both connections can be ISDN connections)].

As to claim 4, Davies teaches the method of claim 1, wherein the source location of the source digital video signal and the source location of the source digital audio signal comprise two separate servers [see Davies at fig. 2].

Regarding claim 5, Davies teaches the method of claim 1, wherein the two separate servers each have an assigned IP address [see Davies at fig. 2].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bae (U.S. Patent No. 6,801,619) in view of Kimchi (U.S. Pub. No. 2002/0120760).**

As to claim 1, Bae teaches a method of providing one-way video transmission and corresponding interactive two-way audio communication to remote recipients accessing the Internet via a world wide web computer network, the method comprising the steps of:

- a) creating at a video source location (207) a source digital video signal corresponding to viewed scene [see Bae at fig. 1, col. 9, ll. 45-64];
- b) broadcast transmitting the source digital video signal at substantially the same time the source digital video signal is created, wherein the source digital video signal is transmitted through a one-way transmission channel for carrying a signal with only video content to at least one recipient via an internet connection [see Bae at fig. 1, col. 9, ll. 45-64];
- c) transmitting a source digital audio signal created at an audio source location (207) and corresponding to the source digital video signal to the at least one recipient over an Internet connection [see Bae at fig. 1, col. 9, ll. 65 – col. 10, ll. 6]; and



Art Unit: 2153

d) transmitting a recipient audio signal created at a recipient location (206) and responsive to the source audio signal or the source video signal, wherein the recipient audio signal is transmitted from the recipient location to the digital audio source location via an Internet connection [see Bae at fig. 1, col. 9, ll. 65 – col. 10, ll. 6].

Bae is silent in regards to the particular protocol used to transmit the signals. Thus, Bae does not teach (1) that the source digital audio signal is a VoIP protocol and (2) that the source digital audio signal is transmitted on a channel separate from the one-way transmission channel.

VoIP protocols such as H.323 were well known in the art, as evidenced by Kimchi. In a similar art, Kimchi teaches particular aspects of the H.323 VoIP protocol including that H.323 transports different media types such as audio and video on separate channels [see Kimchi at paragraphs 24, 25]. Kimchi further teaches that H.323 provides advantages such as mobility and compliance with network standards [see Kimchi at paragraphs 9, 26]. It would have been obvious to one of ordinary skill in the art to use H.323 here for at least the same reasons.

As to claim 2, Bae and Kimchi teach components for performing steps a-d set forth in claim 1 and thus teaches elements a-d of claim 2.

Bae and Kimchi further teach:

e) an Internet web page accessible by the remote recipient and configured to display the transmitted source digital video signal and to play the source digital audio signal [see Bae at abstract, fig. 1, 2, col. 10, ll. 18-34, col. 11, ll. 62 – col. 12, ll. 7].

f) the Internet web page further configured to receive a recipient digital audio signal from the recipient responsive to the source digital audio signal and to transmit the recipient digital audio signal to the VoIP audio server at the source location, the VoIP audio server further configured to

Art Unit: 2153

receive and play the recipient digital audio signal [see Bae at abstract, fig. 1, 2, col. 10, ll. 18-34, col. 11, ll. 62 – col. 12, ll. 7; Kimchi at paragraphs 24, 25].

As to claim 3, Bae teaches that the source digital video signal is activated when the at least one recipient accesses and IP address corresponding to the source digital video signal [see Bae at abstract, fig. 1, 2, col. 10, ll. 18-34, col. 11, ll. 62 – col. 12, ll. 7].

As to claim 4, the source location corresponds to wherever the operator workstation (207) is located [see Bae at fig. 1]. Bae teaches that this location can be a firm or company [see Bae at col. 6, ll. 15-26]. It was well known in the art that firms or companies often times use a large number of servers for reasons such as load balancing et al. It would have been obvious to provide the firm or companies referenced by Bae with multiple servers for at least the same reasons. Note that the claim limits the location of the signals to comprising two servers, but does not limit the hardware that generates the audio and video signals to being on two separate servers.

As to claim 5, it was further well known in the art for separate servers to use different IP addresses and would have been obvious here to distinguish between the servers.

As to claim 6, Bae further teaches that the source digital video signal is embedded in an Internet source page created by the server associated with the source digital video signal [see Bae at abstract, fig. 1, 2, col. 10, ll. 18-34, col. 11, ll. 62 – col. 12, ll. 7].

**Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bae (U.S. Patent No. 6,801,619) in view of Nadus (U.S. Patent No. 6,130,880).**

As to claim 1, Bae teaches a method of providing one-way video transmission and corresponding interactive two-way audio communication to remote recipients accessing the Internet via a world wide web computer network, the method comprising the steps of:

Art Unit: 2153

- a) creating at a video source location (207) a source digital video signal corresponding to viewed scene [see Bae at fig. 1, col. 9, ll. 45-64];
- b) broadcast transmitting the source digital video signal at substantially the same time the source digital video signal is created, wherein the source digital video signal is transmitted through a one-way transmission channel for carrying a signal with only video content to at least one recipient via an internet connection [see Bae at fig. 1, col. 9, ll. 45-64];
- c) transmitting a source digital audio signal created at an audio source location (207) and corresponding to the source digital video signal to the at least one recipient over an Internet connection [see Bae at fig. 1, col. 9, ll. 65 – col. 10, ll. 6]; and
- d) transmitting a recipient audio signal created at a recipient location (206) and responsive to the source audio signal or the source video signal, wherein the recipient audio signal is transmitted from the recipient location to the digital audio source location via an Internet connection [see Bae at fig. 1, col. 9, ll. 65 – col. 10, ll. 6].

Bae is silent in regards to the particular protocol used to transmit the signals. Thus, Bae does not teach (1) that the source digital audio signal is a VoIP protocol and (2) that the source digital audio signal is transmitted on a channel separate from the one-way transmission channel.

VoIP protocols such as H.323 were well known in the art, as evidenced by Nadus. In a similar art, Nadus teaches particular aspects of the H.323 VoIP protocol including that H.323 transports different media types such as audio and video on separate channels [see Nadus at col. 2, ll. 8-19]. It would have been obvious to one of ordinary skill in the art to use H.323 here because it was well known in the art that H.323 provides advantages such as mobility and compliance with network standards [see, e.g., Kimchi (U.S. Pub. No. 2002/0120760) at paragraphs 9, 26]

As to claim 2, Bae and Nadus teach components for performing steps a-d set forth in claim 1 and thus teaches elements a-d of claim 2.

Bae and Nadus further teach:

- e) an Internet web page accessible by the remote recipient and configured to display the transmitted source digital video signal and to play the source digital audio signal [see Bae at abstract, fig. 1, 2, col. 10, ll. 18-34, col. 11, ll. 62 – col. 12, ll. 7].
- f) the Internet web page further configured to receive a recipient digital audio signal from the recipient responsive to the source digital audio signal and to transmit the recipient digital audio signal to the VoIP audio server at the source location, the VoIP audio server further configured to receive and play the recipient digital audio signal [see Bae at abstract, fig. 1, 2, col. 10, ll. 18-34, col. 11, ll. 62 – col. 12, ll. 7; Nadus at col. 2, ll. 8-19].

As to claim 3, Bae teaches that the source digital video signal is activated when the at least one recipient accesses and IP address corresponding to the source digital video signal [see Bae at abstract, fig. 1, 2, col. 10, ll. 18-34, col. 11, ll. 62 – col. 12, ll. 7].

As to claim 4, the source location corresponds to wherever the operator workstation (207) is located [see Bae at fig. 1]. Bae teaches that this location can be a firm or company [see Bae at col. 6, ll. 15-26]. It was well known in the art that firms or companies often times use a large number of servers for reasons such as load balancing et al. It would have been obvious to provide the firm or companies referenced by Bae with multiple servers for at least the same reasons. Note that the claim limits the location of the signals to comprising two servers, but does not limit the hardware that generates the audio and video signals to being on two separate servers.

As to claim 5, it was further well known in the art for separate servers to use different IP addresses and would have been obvious here to distinguish between the servers.

As to claim 6, Bae further teaches that the source digital video signal is embedded in an Internet source page created by the server associated with the source digital video signal [see Bae at abstract, fig. 1, 2, col. 10, ll. 18-34, col. 11, ll. 62 – col. 12, ll. 7].

As to claim 7, Bae teaches a system for broadcast transmitting a digital video signal and a digital audio signal, comprising:

- a) creating a source digital video signal corresponding to a viewed scene at a source location (207) [see Bae at fig. 1, col. 9, ll. 45-64];
- b) broadcast transmitting the source digital video signal through a one-way dedicated transmission channel to at least one recipient via an Internet connection [see Bae at fig. 1, col. 9, ll. 45-64];
- c) transmitting a source digital audio signal created at a source location (207) and corresponding to the source digital video signal to the at least one recipient over an Internet connection [see Bae at fig. 1, col. 9, ll. 65 – col. 10, ll. 6];
- d) transmitting a recipient audio signal created at a recipient location (206) and responsive to the source audio signal or the source video signal, wherein the source audio signal is transmitted from the recipient location (206) to the source location (207) via an Internet connection [see Bae at fig. 1, col. 9, ll. 65 – col. 10, ll. 6].

Bae does not disclose (1) a cumulative bandwidth error that determines the accumulated amount of available bandwidth for transmitting the source digital video signal and is adjusted to increase the available bandwidth and (2) transmitting the source digital audio signal via a VoIP protocol.

Bae is silent in regards to the particular protocol used to transmit the signals. VoIP protocols such as H.323 were well known in the art, as evidenced by Nadus. In a similar art, Nadus

Art Unit: 2153

teaches particular aspects of the H.323 VoIP protocol including that H.323 transports different media types such as audio and video on separate channels [see Nadus at col. 2, ll. 8-19]. It would have been obvious to one of ordinary skill in the art to use the H.323 protocol here because it provides advantages such as mobility and compliance with network standards [see, e.g., Kimchi (U.S. Pub. No. 2002/0120760) at paragraphs 9, 26].

Nadus further teaches a system that increases the available bandwidth for a H.323 video signal based on the accumulated amount of available bandwidth for transmitting the video signal [see Nadus at col. 11, ll. 20-32]. Nadus' system provides advantages such as not wasting bandwidth [see Nadus at col. 2, ll. 36-49]. It would have been obvious to one of ordinary skill in the art to use Nadus' system here for at least the same reasons.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2153

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PS



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